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Remarks

Claims 1-7, 9-16, and 18-27 remain pending in the application. Claims 1, 9 and 18 are amended.

Claim Rejections — 35 U.S.C §103

The Office Action rejects claims 1 through 7, 9 through 16 and 18 through 27 as obvious over Porcher, Ski Boot, U.S. Patent 4,702,022 (Oct. 27, 1987) in view of Dalvy et al., Internal Liner for a Boot, U.S. Patent 5,924,218 (Jul. 20, 1999), Mashita et al., Footwear Member, U.S. Patent 5,681,649 (Oct. 28, 1997) and Finn, Pneumatic Ski Boot, U.S. Patent 3,410,004 (May 26, 1967) under the assertion that Porcher discloses all the limitations, including a liner with multiple resilient layers; that Dalvy teaches a gel pad located between the layers of an inner boot; that Mashita teaches that a gel pad of styrene and butadiene can be located in the toe box area; and that it would have been obvious to place a gel pad in the toe box area as taught by Mashita and to place a gel pad in the heel area of the liner of Porcher to aid in protection and comfort of the user's foot. With respect to the different hardnesses of the toe box and heel counter, the Office Action asserts that it would have been a mere matter of testing and optimization to find a combination of material that would provide the desire comfort and protection that would meet the desired total hardness of different areas of the boot. The Office Action also asserts Finn further supports Mashita.

Claims 1, 9 and 18 are amended to claim, *inter alia*, a resilient pad disposed in the toe box, said pad tapered at the edges and thickest in the middle. The combination of Porcher

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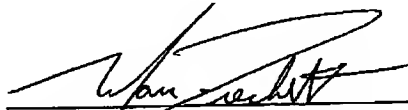
Dalvy, Mashita and Finn fails to teach or suggest a pad tapered at the edges and thickest in the middle. The tapered pad offers advantages over the prior art in that the pad offers maximum protection, minimizes space required for the pad in the boot and provides for a smooth transition between padded and unpadded portions of the boot. The pad is thickest in the center, where the front of the toes would impact when the foot suddenly shifts forward in the boot. Porcher, Dalvy, Mashita or Finn does not contemplate these advantages and thus, does not disclose the claim limitation. Because the combination of Porcher, Dalvy, Mashita and Finn fails to teach or suggest at least one claim limitation found in the Applicant's claimed invention, the combination fails to render obvious the Applicant's claimed invention. For at least these reasons, the Applicant's claimed invention in non-obvious and withdrawal of this rejection is respectfully requested.

Conclusion

This response has addressed all of the Examiner's grounds for rejection. The rejections based on prior art have been traversed. Reconsideration of the rejections and allowance of the claims is requested.

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By:


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